

REMARKS

Claims 1 – 4 and 6 – 10 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 1 – 4 and 6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Claim 1 stands rejected because the language “the fastener” in lines 8 – 9 lacks proper antecedent basis. Applicant respectfully notes that claim 1 has been amended herein to read “a fastener”. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 – 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tantlinger et al. (U.S. Pat. No. 3,386,724). This rejection is respectfully traversed.

At the outset, Applicant notes that claim 1 has been amended herein to include the step of inserting the axle through a support aperture of a mounting bracket. This configuration is illustrated in Figures 1 – 3 as originally filed. Therefore, no new matter has been entered. Additionally, claim 2 has been cancelled without prejudice or disclaimer of the subject-matter contained therein.

Applicant respectfully notes that Tantlinger et al. fails to teach or suggest insertion of an axle through a support aperture of a mounting bracket. More particularly, Tantlinger et al is limited to teaching an axle 23 to running transverse to apertures 27,29 of bracket flanges 17,19. Welds 35,37 secure tube side walls 31,33 to the bracket flanges 17,19 at the apertures 27,29. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Applicant notes that claims 3 and 4 directly depend on claim 1, which defines over the prior art as discussed in detail above. Therefore, claims 3 and 4 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tantlinger et al. (U.S. Pat. No. 3,386,724). This rejection is respectfully traversed.

Applicant notes that claim 6 is dependent on claim 1, which defines over the prior art as discussed in detail above. Therefore, claim 6 also defines over the prior art and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 7 – 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tantlinger et al. (U.S. Pat. No. 3,386,724) in view of Lang et al. (U.S. Pat. No. 6,223,865). This rejection is respectfully traversed.

Applicant notes that claim 7 has been amended to include the step of inserting the axle through a support aperture of a mounting bracket. This configuration is

illustrated in Figures 1 – 3 as originally filed. Therefore, no new matter has been entered.

As discussed in detail above, Tantlinger et al. fails to teach or suggest insertion of an axle through a support aperture of a mounting bracket. More particularly, Tantlinger et al is limited to teaching an axle 23 to running transverse to apertures 27,29 of bracket flanges 17,19. Welds 35,37 secure tube side walls 31,33 to the bracket flanges 17,19 at the apertures 27,29. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Applicant notes that claims 8 – 10 either directly or indirectly depend on claim 7, which defines over the prior art as discussed in detail above. Therefore, claims 8 – 10 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

Claims 1 – 4 and 6 – 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) (page 1, par. [0003] to page 2, par. [0004] of Applicant's specification) in view of Tantlinger et al. (U.S. Pat. No. 3,386,724). This rejection is respectfully traversed.

As discussed in detail above, claims 1 and 7 have been amended to include the step of inserting the axle through a support aperture of a mounting bracket.

Applicant notes that the AAPA does not discuss the manner in which the axle is mounted to the mounting bracket. More particularly, the AAPA does not teach or suggest inserting the axle through a support aperture of the mounting bracket. Tantlinger et al. fails to cure the deficient teachings of the AAPA, as discussed in detail

above. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Applicant notes that claims 3, 4, 6 and 8 – 10 either directly or indirectly depend on claims 1 and 7, which define over the prior art as discussed in detail above. Therefore, claims 3, 4, 6 and 8 – 10 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Jan 20, 2004

By: 

Joseph M. Lafata
Reg. No. 37,166

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

JML/RPM